

REMARKS

Claims 1-17, 19-34, and 36-38 are pending. Claims 18 and 35 have been cancelled without prejudice or disclaimer.

No new subject matter has been added to the application.

There appears to be a typographical error in the outstanding Office Action which indicates that drawings were filed on Nov. 20, 2007. In fact, the drawings were submitted with the original filing on Nov. 20, 2003. I confirmed this information by checking our Private PAIR for the papers that have been filed.

Claims 17-21 and 34-38 were rejected under 35 U.S.C. §101. The claims have been amended as suggested by the Examiner to overcome this rejection.

Claims 1-5, 7-13, 15-24, 26-30 and 32-38 were rejected under 35 U.S.C. §102(e) in view of Hamada US 6,631,239. This rejection is respectfully traversed as follows.

In order to sustain a §102 rejection of the independent claims 1 and 15, each and every feature of the claims must be taught by the reference.

Claims 1 and 9 have been amended to include language “for making a digital representation of a printed product in a job definition format”. This distinction is not disclosed or described in Hamada. Thus, Applicants believe that claims 1 and 9 and claims 2-8 and 10-16 dependent thereon are patentable over the teachings of Hamada.

Claims 6, 14, 25, 28 and 31 were rejected under 35 U.S.C. §103 over Hamada in view of the Heidelberg “Job Definition Format” publication. These rejections are respectfully traversed as follows.

In determining a case for obviousness under 35 U.S.C. §103, it is necessary to show that the combination of prior art teachings is proper, and that those teachings constitute an improvement which results from the predictable use of prior art elements according to their established functions. Furthermore, obviousness is a question of law based on the underlying factual inquiries of:

- (A) Determining the scope and content of the prior art;
- (B) Ascertaining the differences between the claimed invention and the prior art; and
- (C) Resolving the level of ordinary skill in the art.

The Applicant disagrees with some of the substantive factual findings by the Office and traverses those findings based on the following reasoned statements.

The teachings of Hamada are directed towards solving the problem of preventing editing to a part of the image data, and specifically to the problem of preventing copyright information or the like from being overwritten or erased erroneously or intentionally (see col. 1, line 41 thru col. 2, line 7). There is no mention of JDF formatting, or any advantage of using JDF or other specific formatting to solve the above-identified problems addressed in Hamada.

All prior art image processing apparatus select or change a format of image data for printing as is generally mentioned in Hamada at col. 1, lines 30-38. However since (1) the problems being solved by Hamada address protecting the overwriting of information and do not address the details necessary to provide a digital representation in a Job Definition Format, and (2) since no mention of a JDF format or the need for any special formatting is discussed in Hamada, then the combination of Hamada with Heidelberg is based on improper hindsight.

The prior art made of record and not relied upon has been reviewed but is not considered material to the patentability of the invention.

A Petition for a 2-Month Extension of Time in which to respond to the outstanding Office action, to and through at least May 11, 2008, accompanies this response. Note that May 11th is a Sunday, so mailing of these papers by Express Mail on May 12th is acceptable within the two month extension window. Should the Petition become lost or otherwise separated from this response, the Examiner is requested to treat this response as the original Petition.

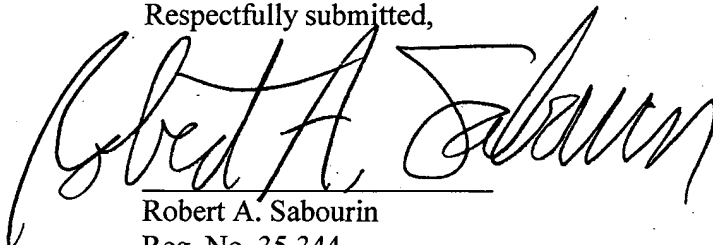
Please charge the 2 month extension fee of \$460.00 plus any other fees due to Deposit Account No. 13-3377 under this general authorization.

Also attached to this response is a one page mailing certification.

It should be noted that the above arguments are directed towards certain patentable distinctions between the claims and the prior art cited. However, the patentable distinctions between the pending claims and the prior art cited are not necessarily limited to those discussed above.

In view of the foregoing remarks and amendments, it is respectfully submitted that each rejection of the Office Action has been addressed and overcome so that this application is now in condition for allowance. The Examiner is respectfully requested to reconsider the application, withdraw the rejections and/or objections, and pass the application to issue. Should questions arise during examination, the Examiner is welcome to contact the applicant's attorney as listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert A. Sabourin", written over a horizontal line.

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RAS/pc